



Commonwealth of Virginia

Department of Criminal Justice Services

June 1, 2012

IMPLEMENTATION MEMORANDUM

TO: Community Corrections Evidence-Based Practices Pilot Site Agency Directors

FROM: Laurel Marks, Manager, Juvenile and Adult Services

SUBJECT: Implementation Guideline for the Use of the Virginia Modified Offender Screening Tool (M-OST) and the Virginia Offender Screening Tool (OST) for Local Community-based Probation in the Evidence-Based Practices Pilot Sites

This implementation memorandum provides local community-based probation agencies applying Evidence-Based Practices (EBP) with consistent and uniform guidance for the use of a validated, actuarial risk and needs assessment, specifically the Virginia Modified Offender Screening Tool (M-OST) and Virginia Offender Screening Tool (OST), to determine offender risk level. This implementation memorandum is being issued to provide guidance pending issuance of a formal evidence-based risk assessment and case supervision guideline by DCJS.

Currently, the following agencies should all be using the M-OST and OST to screen all offenders placed on local probation supervision to determine risk level and inform supervision techniques: Blue Ridge Community Court Services, Chesterfield Community Corrections, Colonial Community Corrections, Hampton/Newport News Criminal Justice Agency, Henrico Community Corrections, Jefferson Area O.A.R., Lynchburg Community Corrections, Old Dominion Community Corrections, Piedmont Community Corrections—Mecklenburg, Rappahannock Community Corrections, Halifax/Pittsylvania Court Services, Virginia Beach Office of Community Corrections, New River Community Corrections, Prince William Office of Criminal Justice Services, Northern Neck Community Corrections, Culpeper County Criminal Justice Services, Riverside Criminal Justice Agency, Fairfax Court Services Division and J&DR Court Services (adult placements only), Portsmouth Community Corrections, and Piedmont Court Services-Farmville.

Supervision techniques for those offenders screened by the Modified Offender Screening Tool (M-OST) will be purpose-driven by the risk/needs of the offender.

Related Definitions:

- **Aggravating Factors** means information or evidence regarding the offender or circumstances of the crime, which could cause increased supervision levels.
- **Assessment** means the process of identifying risk level and criminogenic needs of the offender.
- **Collateral Contact** means written or verbal documentation of contact with service providers, employers, worksite supervisors and other individuals determined by agency staff to provide verification of the offender's participation in services and/or compliance with supervision requirements not provided by the local community-based probation and pretrial agency. These contacts may include, but are not limited to, alcohol and drug testing, substance abuse assessment, evaluation, education and treatment, other counseling, community service work, educational programs, employment and other activities.
- **Date First Active** means the date the offender is placed on active supervision in PTCC.
- **Differential Supervision** means the graduated supervision intensity based on an offender's assigned level of risk per a validated risk assessment.
- **M-OST** see Virginia M-OST.
- **OST** see Virginia OST.
- **Override** means the act of increasing the initial supervision level from that assigned by the risk assessment score (Virginia OST score).
- **Actuarial Risk/Needs Assessment** means a validated, research-based tool(s) that objectively measures criminogenic risk factors predictive of an offender's likelihood to recidivate, and identifies criminogenic need factors that are amenable to treatment and risk reduction.
- **Risk Level** means the assigned risk category per the offender's score on a validated risk assessment. Local probation has three risk levels (Low, Medium, High) as assigned by the Virginia M-OST/OST.
 - **Low Risk** means the offender has been identified by the M-OST to have two or less criminogenic risk factors or has scored less than 7 on the OST
 - **Medium Risk** means the offender has been identified by the M-OST to have between 3 and 5 criminogenic risk factors or has scored between 7 and 20 on the OST
 - **High Risk** means the offender has been identified by the M-OST to have between 6 and 8 criminogenic risk factors or has scored between 21 and 44 on the OST
- **Supervision Level** means one of the three differential supervision strategies that correspond to the risk assessment.

- **Virginia M-OST** means the Modified Offender Screening Tool, which is a standardized objective screening instrument developed to assist in evaluating and predicting risk and assigning the initial level of supervision to offenders placed on probation. It is a screening tool used prior to the Virginia OST (Offender Screening Tool).
- **Virginia OST** means the Offender Screening Tool, which is a standardized objective assessment instrument developed to assist in evaluating and predicting risk, identifying criminogenic needs to be addressed in the case plan and assigning the level of supervision to offenders placed on probation. It assesses offenders more comprehensively than indicated by the Virginia M-OST score.

Risk Assessment Procedural Guidance:

In order to effectively implement evidence-based practices in local probation supervision, the use of a validated, actuarial risk and needs assessment is the foundational component of risk-based supervision. The Virginia Department of Criminal Justice Services has approved for use in local probation agencies the Virginia Modified Offender Screening Tool (M-OST) and Virginia Offender Screening Tool (OST). The following outlines a uniform and consistent procedure for conducting risk and needs assessments with the local probation population.

A. Administering the M-OST/OST:

1. Every offender placed on probation in agencies approved to use the M-OST and OST assessment shall be screened using the Virginia Modified Offender Screening Tool or M-OST at intake or within **30 days** of date first active.
2. Offenders scoring (0-2) on the M-OST shall be considered low risk, and no additional assessment is required.
3. If an offender scores low risk (0-2) on the M-OST, and there are aggravating factors that indicate low risk would not be adequate to ensure public safety, adequate compliance with the conditions of probation supervision, or successful completion of probation requirements, an OST shall be administered in accordance with this procedure.
4. All offenders scoring (3-5) on the M-OST shall be assessed using the Virginia Offender Screening Tool (OST) within **30 days** of administration of the M-OST.
5. Offenders that score (0-2) on the M-OST and are assessed utilizing the OST based on aggravating factors shall have the reason entered into PTCC in accordance with **Section B. Override for Low-Risk Offenders**.
6. M-OST and OST scores shall be entered into PTCC. If the M-OST score or the OST score (if the M-OST is 3 or higher) is missing, a reason “not completed” shall be entered into PTCC or the placement cannot be closed. Reasons for not completing the M-OST/OST include:

M-OST	OST
Death	Death
Incarceration	Incarceration

Transfer out – Completed by the Receiving Agency	Transfer out – Completed by the Receiving Agency
Transfer out – Receiving Agency not approved to use M-OST	Transfer out – Receiving Agency not approved to use OST
Offender completed requirements before intake and M-OST is scheduled	Offender completed requirements before OST is scheduled
Severe mental health issues	Severe mental health issues
Severe health or medical issues	Severe health or medical issues
Offender is under the influence	Offender is under the influence
Offender is impaired	Offender is impaired
Offender never reported for intake	Offender did not report for scheduled OST
Language barrier	Language barrier
Appealed case / not guilty	Appealed case / not guilty
New charge / removed from probation	New charge / removed from probation
Removed from probation by court	Removed from probation by court
Non-compliant	Non-compliant
Entered an inpatient treatment facility	Entered an inpatient treatment facility
Other: specify	Other: specify

7. Offenders assessed using the M-OST and OST shall be supervised in accordance with the Differential Supervision Level scores **to be issued/approved at a later date** of this procedure. The designated supervision levels for M-OST are: low risk - Administrative (0-2), medium (3-5) and high risk (6-8) – Complete OST. OST supervision levels are: low risk - Administrative (0-6), medium risk - Standard (7-20), and high risk - Comprehensive (21-44).

M-OST

0–2 LOW ADMINISTRATIVE
3–5 MEDIUM Complete OST
6–8 HIGH Complete OST

OST

0–6 LOW ADMINISTRATIVE
7–20 MEDIUM STANDARD
21–44 HIGH COMPREHENSIVE

Please note, agencies not previously approved to implement administrative supervision that wish to implement differential supervision levels at this time must request approval from DCJS in accordance with the Assessment and Case Planning Implementation Protocol as differential supervision levels are potentially a variance from the DCJS Minimum Standards for case supervision contacts. DCJS and local agencies continue to seek evidence-supported differential supervision guidelines appropriate for local offender populations, and definitive minimum standards are to be developed based on future research and testing.

B. Override for Low-Risk Offenders:

If an offender scores low risk (0-2) on the M-OST or (0-6) on the OST, and there are aggravating factors that indicate low risk is not an appropriate supervision level to ensure public safety, adequate compliance with the conditions of probation supervision, or successful completion of probation requirements, the officer may request to override the results of the OST and increase the supervision level due to aggravating factors. In the event that an OST was conducted when an offender scores (0-2) low risk on the M-OST, the offender supervision level shall be based on the OST score.

Aggravating factors may include offender-specific issues which, in the professional judgment of the officer, appear to impact the risk the offender poses to the community or his/her ability to comply with probation requirements. The agency shall develop a list of aggravating factors that may be used to override the OST score.

If it has been determined that an override is requested, the following shall occur:

1. Approval for risk level override shall be requested and secured from the officer's supervisor. Approval shall be documented in PTCC. Agencies shall include the process for securing and approving risk level overrides in the agency SOPs.
2. In accordance with DCJS policy, overrides shall include a brief statement that provides adequate justification for the override. Overrides shall include a reference to the source from which the applicable information was obtained. The new supervision level and reason for the override shall be entered into PTCC.
3. Supervision level changes due to override shall remain in effect until a change in circumstance warrants a reassessment and a subsequent adjustment in the level of supervision. Any subsequent adjustment shall be approved by the officer's supervisor.
4. The override score for the OST and reason for override to the OST shall be entered into PTCC. The original M-OST and/or OST scores will remain in the PTCC system.

C. Transfer Cases:

In the event that an agency utilizing the M-OST/OST assessment tool plans to transfer case supervision to another agency as outlined in DCJS Guideline No.3: Transfer of Supervision, the following procedure applies to the completion of the M-OST/OST.

When both the sending and receiving agencies are approved to utilize the M-OST/OST assessment tool, the sending agency may choose to conduct the M-OST assessment prior to transfer. The receiving agency must ensure that a M-OST is completed within thirty (30) days of transfer-in if one was not completed and provided by the sending agency. The receiving agency must complete the OST, if one is required, in accordance with this procedure. Prior to case closure and/or return to the sending agency, the receiving agency shall report the M-OST score (and OST if completed) on the Transfer Case Monthly Progress Report.

When only the sending agency is approved to utilize the M-OST/OST assessment tool, the sending agency may choose to conduct the M-OST assessment prior to transfer, but it is not required, in the event that it would delay transfer of case supervision to another agency. Offenders transferred to agencies not approved to utilize the M-OST/OST assessment tool and corresponding differential supervision levels will continue to be supervised in accordance with DCJS Guideline No.3: Transfer of Supervision and the receiving agency's Standard Operating Procedures for case supervision.

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